

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. _____

STATE OF CONNECTICUT
DEPARTMENT OF HEALTH SERVICES
BUREAU OF HEALTH SYSTEM REGULATION
DIVISION OF MEDICAL QUALITY ASSURANCE

In re: Nicholas R. Domain, S.S.I.

Petition No. 910510-33-003

CONSENT ORDER

WHEREAS, Nicholas R. Domain, S.S.I., of Old Hawleyville Road, Bethel, Connecticut, has been issued license number 001940, to practice as a subsurface sewage disposal system installer by the Department of Health Services pursuant to Chapter 393a of the General Statutes of Connecticut, as amended; and

WHEREAS, Nicholas R. Domain, hereinafter referred to as the Respondent, hereby agrees to the following stipulations to resolve a contested and disputed claim as set forth in the above referenced petition.

1. On or about July 5, 1989, he installed a septic system at 14 Hassars Camp Place in Ridgefield, Connecticut.
2. Within one (1) year of installation, the septic system failed allegedly due to the poor quality of fill material placed within the leaching area.
3. Said system was installed by Nicholas R. Domain using septic fill material supplied by others directly to the owner and general contractor who was constructing a home on said premises.
4. Said material was graded and placed by Nicholas R. Domain after approval by the engineer who designed the septic system. The Town Sanitarian's office for the Town of Ridgefield never approved the fill prior to it being placed.

5. Said material was graded and placed after a visual inspection by the engineer as referenced in Paragraph 4 above and said material was not tested by a sieve testing method or other laboratory analysis.

NOW THEREFORE, pursuant to §19a-17 and §20-341f(d) of the General Statutes of Connecticut, Nicholas R. Domain hereby stipulates and agrees to the following:

1. That he waives his right to a hearing on the merits of this matter.
2. That he is hereby reprimanded.
3. That he is assessed a civil penalty of \$200.00 which shall be paid by certified check and shall accompany this Consent Order upon execution by the Respondent. Said check shall be made payable to "Treasurer, State of Connecticut".
4. He hereby consents that in the future he will install no septic system under any contract which does not require him to be responsible for either furnishing or guaranteeing the suitability of any fill material, no matter by whom supplied.
5. He further consents and agrees that he will in the future have said material tested in accordance with the most recent requirements of the State of Connecticut Department of Health Services.
6. That he understands that this Consent Order may be considered as evidence of the above admitted violations in any proceeding before an agent of the Commissioner of Health Services (1) in which his compliance with this same order is at issue, or (2) in which his compliance with §20-341f(d) of the General Statutes of Connecticut, as amended, is at issue.
7. That this Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that said order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of

Connecticut, provided that this stipulation shall not deprive him of any rights that he may have under the laws of the State of Connecticut or of the United States.

8. That this Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department of Health Services at any time prior to its being executed by the last signatory.
9. That this Consent Order is effective the first day of the next month after which it is accepted and ordered by the last signatory.
10. That he has consulted with an attorney prior to signing this document.

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I, Nicholas R. Domain, have read the above Consent Order, and I agree and admit to the terms and allegations set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



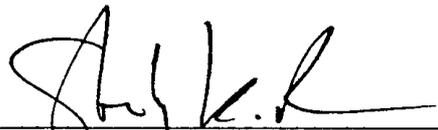
Nicholas R. Domain

Subscribed and sworn to before me this 12th day of JANUARY 1993.



Notary Public or person authorized
by law to administer an oath or
affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of Health Services on the 12th day of January 1993, it is hereby ordered and accepted.



Stanley K. Peck, Director
Division of Medical Quality Assurance

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